REMARKS

In accordance with the foregoing, claims 1 and 7 have been amended. Claims 1, 3, 4, 6, 7 and 28 are pending and under consideration. No new matter is included in this amendment. The Examiner's rejections are traversed below.

Claim Objections:

At page 3 of the Office Action, the Examiner objects to claim 7. Claim 7 has been amended as set forth above. It is respectfully requested that this rejection be withdrawn.

The First 35 U.S.C. §103(a) Rejection:

At page 3 of the Office Action, claims 1, 4, 6 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,644,782 to Yeates et al. in view of U.S. Patent 5,751,997 to Kullick et al. Claim 1 has been amended as set forth above to improve grammatical form.

At page 3 of the Office Action, the Examiner asserts that Yeates et al. disclose "an optical disk recording/reproducing apparatus which records data in or reproduces data from an optical disk, and recording updated data for initial data of the database, which is transmitted from the server on the optical disk." Applicants admit that Yeates et al. disclose reproducing data from the optical disk, however; applicants respectfully point out that Yeates et al. do not disclose recording updated data on the optical disk. In Yeates et al., the optical disk is specifically identified as a read-only memory device 274 and more specifically as a CD-ROM. A person of ordinary skill in the art at the time the invention was made would not have expected to record data on the CD-ROM using the apparatus disclosed in Yeates et al.

Applicants admit that Yeates et al. disclose that "initial data of the data base is recorded on a read only optical disk," however, the Examiner also asserts that Yeates et al. disclose that modified/updated data for the initial data base transmitted from the server is recorded in a recordable region of the optical disk." For this assertion, the Examiner conveniently converts the read/write auxiliary memory device 276, which Yeates et al. specifically describe, at col. 3, lines 19-21, as a computer hard disk having a number of selectable storage areas into a recordable region of the optical disk.

At page 5 of the Office Action, the Examiner asserts that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the optical [disk] in Yeats [et al.] teaching to include a data base and a date and time of a last update of the data

base are recorded, and which is programmed to transmit the date and time of the last update to the server and to record modified/updated data." Yeates et al. makes no mention of a date and time of a last update being recorded on the optical disk nor of recording modified/updated data on the optical disk, as the Examiner clearly admits at page 4 of the Office Action. In Yeates et al., the modified/updated data is recorded on the computer hard disk (auxiliary memory device 276).

The Examiner appears to be relying on Kullick et al. to supplement a missing teaching of Yeates et al. regarding transmitting of a date and time of a last update to the server. However, the Examiner has not provided any clear motivation for combining the teachings of Yeates et al. and Kullick et al. Yeates et al. and the present invention relate to supplementing a data base with data from a server. Kullick et al. relates to a backup system storing data on a centralized mass storage device. In Kuillick et al., the computer devices 18 send data to the secondary storage device 16 and the only data a particular one of the computer devices 18 would expect to receive from the storage device 16 is data previously transmitted by the particular computer device 18.

Further, in Kullick et al., although a date and time are transmitted to the server from a computer device 18 to the secondary storage device 16, the transmission of the date and time is not for obtaining an update for a data base on the computer device 18 from the secondary storage device 16 but for a purpose of enabling the secondary storage device 16 to determine whether to obtain back up data from the computer device 18. That is, in Kullick et al., back up data flows from the computer device 18 to the secondary storage device 16 based on a date and time transmitted by the computer device 16. The secondary storage device 16 of Kullick et al. is not "programmed to determine if modification/update of the database recorded on the optical disc is needed based on the transmitted date and time, and to transmit the modified/updated data to the optical disc recording/reproducing apparatus," as recited in claim 1; but is programmed to receive data from the computer device 18 for a purpose of backing up the data from the primary storage devices 14.

Yeates et al. and Kullick et al. are directed to a solution for two entirely different problems. Yeates et. al is directed to updating a data base on a computer from a server with a data flow from the server to the computer. Kullick et al. is directed to backing up data from a computer with a data flow from the computer to the server. Further, the optical disk mentioned in Kullick et al. is associated with the server and not with the computer transmitting the date and time. Thus, a person of ordinary skill in the art would at the time the invention was made would

not have been motivated to combine the teachings of Yeates et al. and Kullick et al. to solve a problem of updating a data base on an optical disk wherein "initial data of the database is recorded in a read only region of the optical disc prior to a first access of the server by the user computer and the modified/updated data for the initial data of the database transmitted from the server is recorded in a recordable region of the optical disc," as recited in claim 1.

A clear advantage of the present invention, as recited in claim 1, is that by storing the initial data of the database and updated/modified data for the initial data of the database on the same optical disc, the disc and consequently the complete updated database including original or initial data of the database and the updated/modified data can easily be moved to a second computer without multiple operations to also move the modified/updated data and or remove the updated data from the first computer. Although Yeates et al. mentions that the read only memory device 274 (e.g. CD-ROM 114) is removable, any updated data is not removed with the CD-ROM 114 but remains on a hard drive of the computer.

Claims 4, 6 and 28 are deemed to be patentable at least for similar reasons set forth above regarding claim 1

The Second 35 U.S.C. §103(a) Rejection:

At page 9 of the Office Action, claims 3 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,644,782 to Yeates et al. in view of U.S. Patent 5,751,997 to Kullick et al. and further in view of U.S. Patent 6,032,130 to Alloul et al. Claims 3 and 7 are deemed to be patentable at least for similar reasons set forth above regarding claims 1 and 4, respectively.

Conclusion:

It is respectfully requested that this amendment be entered as the amendment at least places the claims in better form for appeal.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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